IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7105 OF 2007

Gunraj Yadav ....Petitioner
V/s
State of Maharashtra & Anr. ....Respondents.

Mr.Vijay J. Hegde, Adv. For the petitioner.

Mr.S.K.Chincholikar, AGP For the respondent No.1.

Mr.Kunal Bhange, Adv. For respondent No.2.

CORAM: A.P.DESHPANDE, J.
16/10/07

PC:

The respondent No.2 is the landlord who instituted a suit against the petitioner for eviction and possession. In the said suit the petitioner has raised ground in defence that the suit property is covered by a declaration issued under section 4(1) of the Maharashtra Slum Area (Improvement, Clearance & Redevelopment) Act, 1971 which is notified in the government gazette on 16.2.78. The plaintiff claims that the said declaration has been set aside in appeal on 27.6.79. The submission of the petitioner before the trial Court was that without the permission of the competent authority no decree can be passed as the property is comprised in the slum. It appears that the appellate order dated 27.6.79 was placed on record of the trial Court and hence by filing the present writ petition the tenant is challenging the appellate order dated 27.6.79. The appellate order which goes to set aside the declaration of slum has been passed 27 years before and the same has been challenged now solely with a view to raise the incidental plea that unless and until permission of the competent authority is obtained the suit cannot proceed. In this view of the matter I decline to entertain the writ petition. Writ petition is summarily dismissed.